REMARKS

The Office Action mailed November 17, 2006, considered and rejected claims 1-35.[1]

By this response, claims 1 and 29 are amended such that claims 1–35 remain pending. Claim 1 is the only independent claim which remains at issue. Support for the amendments may be found particularly within Specification pp. 91–118 and Fig's 2 & 23.[2]

The Examiner objected to claim 1–35 under 35 U.S.C. § 112 for being indefinite due to "enabled to" language.[3] The claims have been amended accordingly to revise the language. However, Applicants submit that "enabled to" is, in fact, appropriate language to recite a functional limitation within a claim element. It should be noted that such "enabled to" language is not uncommon within computer program product and method claims in many already-issued patents. Nevertheless, the objections of claims 28–29 under 35 U.S.C. § 112 are now moot in light of amendments to claim 1.

As reflected in the listing of the claims, the present invention is generally directed toward embodiments for efficiently enabling user programs to interact, using a markup language, with a scene graph structure without requiring specific knowledge of the details of a graphics API layer while still allowing programming languages access to the graphics API. Claim 1 recites, for instance, in combination with all the elements of the claim, providing an API which is configured to receive function calls written within a markup language where the markup language includes both string format calls and object notation and the markup language specifies an element class and the element class comprises a shape class, an image class, a video class, and a canvas class. Claim 1 further recites receiving a plurality of function calls written within the markup language. Claim 1 also provides a parser/translator which is configured to interpret calls written with the markup language, is configured to access a type converter which can translate string format calls into visual API objects, is configured to add elements to an element tree within an element and layout system, and is configured to communicate resource-level data to a visual API. A visual API is also provide, which is configured to accept input from the parser/translator,

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[1] Claims 1–27 and 30–35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewallen, U.S. Patent No. 6,675,230 (filed Aug. 22, 2000) (hereinafter Lewallen), Eleftheriadis, U.S. Patent No. 6,092,107 (filed Apr. 7, 1998) (hereinafter Eleftheriadis), and Steele, U.S. Patent Pub. No. 2004/0110490 (filed Mar. 21, 2002) (hereinafter Steele), in view of the SVG specifications. Claim 1 was also objected to for minor informalities regarding the recitation "a markup language data". Claims 1–35 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] However, it should be noted that the invention is described by the entire Specification and the claims take their support from the entirety of the Specification, not from any particular part. Note that the amendment to claim 29 simply corrected a minor typo.

[3] Office Communication p. 3 (Nov. 17, 2006).

from the element and layout system and directly from non-markup programming languages. The visual API further interfaces with a scene graph, is configured to create scene graph objects, and provides access to a compositing and animation engine.

The Examiner cited Lewallen, Eleftheriadis, and Steele as prior art justifying a 35 U.S.C. § 103 rejection of claim 1. It will be noted, however, that while Lewallen is generally directed towards a method and system for embedding visual objects within other visual objects,[4] while Eleftheriadis is directed toward an API specifically for interfacing with MPEG-4 audio/visual media objects,[5] and while Steele is directed toward conversion of information content into a binary format for providing media content to media devices over a wireless communication network,[6] the present invention, as noted above, is directed towards a method enabling user programs to interact with a scene graph structure.

While SVG appears to disclose vector graphics markup language and Eleftheriadis appears to disclose the use of a particular API, Applicants respectfully submit that the cited prior art, both singly and in combination, fail to teach or suggest each and every element of the present invention as now recited in the claims. For example, while Lewallen is cited as purportedly teaching "most of the limitations" of the previously presented claim 1,[7] it should also be noted that Lewallen fails to disclose or teach any method or system for facilitating the composition of vector graphics. Instead, Lewallen is directed toward a method of embedding objects within objects to facilitate a standard API (i.e., W3C DOM) and cross-platform compatibility for *user-interface* objects.[8] The embodiments disclosed in Lewallen are clearly distinguished from the methods claimed and which employ a particular architecture for the composition of vector graphics which is not taught or suggested by the prior art, singly or in combination.

In particular, the cited art fails to teach or suggest a markup language comprising an element class wherein the element class comprises a shape class, an image class, a video class, a canvas class. The prior art also fails to teach or suggest an API which is configured to accept function calls written with such a markup language. The prior art also fails to teach or suggest a parser/translator which interfaces with a type converter and which electively communicates directly with a low-level visual API or with an element and layout system which builds a tree of elements. The prior art also fails to teach or suggest a type converter which interfaces with the parser/translator and which converts string format calls into visual API objects. The prior art also fails to teach or suggest a visual API which is configured to accept

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[4] *See, generally*, Lewallen.
[5] *See, generally*, Eleftheriadis.
[6] *See, generally*, Steele.
[7] Office Comm. p. 9.
[8] *See, generally*, Lewallen. It should be noted that "user-interface", as used within Lewallen and as is know to those with ordinary skill in the art, generally refers to those windows, buttons, menus, and the like, provided by generic graphical user interfaces. It should further be noted that, although Lewallen mentions the SVG, Lewallen does not implement a fully-functional graphical composition environment. *Id.*

input from each of a parser/translator, from an element and layout system, and directly from other programming languages. The prior art also fails to teach or suggest a compositing and animation engine which interfaces with the visual API and which manages the composing, animating, and rendering of a scene graph.

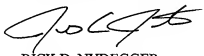
For at least the foregoing reasons, the prior art clearly fails to teach or suggest each an every element of the invention as disclosed and as now claimed and, accordingly, a rejection under 35 U.S.C. § 103 would be improper. Applicants corresponding and respectfully request the examiner withdraw the rejection and allow the claim as now recited.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 2nd day of January, 2007.

Respectfully submitted,



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